

APPLICANT ARGUMENTS OR REMARKS MADE IN AN AMENDMENT

Claims Pending

Claims 1-17 were pending. Claims 8, 9 and 10 have been cancelled by amendment herein. Thus, claims 1-7 and 11-17 are now pending.

Priority

1. The specification has been amended herein to contain a reference to the prior-filed provisional application, identifying it by the provisional application number (60/411,745).

It should be noted that the applicant has already made reference to the aforementioned provisional application in the application data sheet that is shown by PAIR to have a "Mail Room Date" of 9/15/03, thus satisfying the requirement set forth in 37 CFR 1.78(a)(5)(iii).

Claim Rejections – 35 USC § 112

2. Claims 1-17 stand rejected due to the inclusion of the phrase "or a prodrug". This basis of rejection is overcome by the amendments made in claims 1, 11 and 12, which remove the phrase in question. The rejection of claims 8-10 is rendered moot by their cancellation.

3. Claims 8-13 stand rejected due to the inclusion of the phrase "or prevention". This basis of rejection is overcome by the amendments made in claims 11, 12 and 13, which remove the phrase in question. The rejection of claims 8-10 is rendered moot by their cancellation.

4. The rejection of Claims 1 and 8-16 under 35 USC 112, second paragraph are discussed in the order presented:

(a) Claims 1 and 8-16 stand rejected because the second formula on page 45 (which falls within claim 1) contains a lower case z. To overcome this ground of rejection, claim 1 has been amended so that the offending letter in the formula is now an upper case Z.

(b) The rejection of claims 8 and 10 are rendered moot by their cancellation.

(c) Claim 9 has been cancelled, thus rendering moot the rejection based upon the assertion that claim 11 is a substantial duplicate of claim 9.

Claim Rejections – 35 USC §101

5. The rejection of claims 8 and 10 is rendered moot by their cancellation.

Summary

It is respectfully asserted that the amendments made herein overcome all rejections of the claims and that the claims and the application as a whole are now in condition for allowance.

Respectfully submitted,  
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